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Attorney Docket No. PHO 102

#3/suppl.
IDS
Jinal
9-26-98

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

H. Craig Dees, et al.

Serial No.: 09/130,213

Filed: August 6, 1998

Examiner:

Art Unit:

For: Treatment of Pigmented Tissues
Using Optical Energy

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on August 20, 1998

Sandra Seltz

Date August 20, 1998

August 19, 1998

SUPPLEMENTAL INFORMATION DISCLOSED STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

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Group 3700

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JAN 15 1998

Dear Sir:

Group 3700

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicant hereby call the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of the documents is enclosed herewith for the Examiner's consideration. These are copies of those documents cited in the IDS filed August 6, 1998 for which copies were not available, plus two additional references.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is

necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

Fee Requirement

This information disclosure statement:

X is being filed within three months of the filing date of the application; within three months of the date of entry of the national stage as set forth in §1.491 of the international application; or before the mailing of the first Office Action on the merits. Therefore, no fee is required.

___ is being filed after the time periods specified under §1.97(b), but before the mailing of either a final action under §1.113 or a notice of allowance under §1.311, and;

___ it is certified that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, and therefore no fee is required; or

___ it is certified that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement, and therefore no fee is required; or

___ Except as stated below:

___ **EXCEPTION:**

___ is accompanied by a check in the amount of \$_____ as the fee set forth in §1.17(p).

___ is being filed after the time periods set forth in either §1.97(b) or (c), but before payment of the issue fee, and includes a petition requesting consideration of the information disclosure statement, a check in the amount \$_____ as the petition

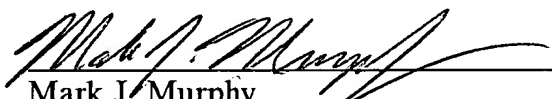
fee set forth in §1.17(i)(1), and;

- it is certified that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- it is certified that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement.

Please charge our Deposit Account No. 03-3135 for any necessary IDS filing fee to the extent any enclosed funds are insufficient.

Respectfully submitted,

Date: August 19, 1998


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